

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Chukwuma E. Azubuko,

Plaintiff,

v.

ORDER

Civil No. 14-242 ADM/FLN

State of Louisiana, and
Louisiana Board of Bar
Overseers/Examiners,

Defendants.

Chukwuma E. Azubuko, pro se.

This matter is before the undersigned United States District Judge for a ruling on Chukwuma E. Azubuko's Objection [Docket No. 4] to Magistrate Judge Franklin L. Noel's February 10, 2014 Report and Recommendation [Docket No. 3] ("R&R"). In the R&R, Judge Noel recommends Plaintiff Chukwuma E. Azubuko's application for leave to proceed in forma pauperis ("IFP") be denied and that this action be summarily dismissed. After a thorough de novo review of the record and for the reasons stated below, the R&R is adopted.

In reviewing a magistrate judge's report and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); see also D. Minn. L.R. 72.2(b). A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." D. Minn. L.R. 72.2(b).

Although Azubuko filed an objection, the contents of the objection are largely incoherent. Nonsensical sentences are followed by general case citations. None of the case

citations contradict Judge Noel's findings and legal conclusions. In addition, Azubuko did not cite any of the factual allegations in his Complaint, much less apply his facts to the cases he cites. As a result, it is unclear what Azubuko's objection is.

An IFP application will be denied, and the action will be dismissed if the applicant has filed a complaint that "fails to state a claim on which relief may be granted" or that "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B)(ii)-(iii); see also Atkinson v. Bohn, 91 F.3d 1127, 1128 (8th Cir. 1996) (per curiam). In de novo review of Azubuko's Complaint, Judge Noel rightly determined Azubuko failed to state a claim on which relief may be granted. The sparse facts alleged occurred more than ten years ago. Azubuko offers no evidence that Defendants "Louisiana Board of Bar Overseers/Examiners" and the State of Louisiana have waived sovereign immunity. And even if the Defendants had waived sovereign immunity, there is no evidence on the record that Defendants ever engaged in any activity in Minnesota. Therefore, Minnesota does not have jurisdiction to hear this case.

A final concern needs to be addressed. Judge Noel warned Azubuko that the Court is aware of Azubuko's history of filing frivolous lawsuits in this court and other federal district courts across the country. R&R, at *4 (citing Azubuko v. Story, Civil No. 13-3284, (D. Minn. Dec. 5, 2013) (PAM/SER); and, Azubuko v. United States, Civil Nos. A309CV1818VLB, A310CV24VLB, A310CV68VLB, 2010 WL 1782149 (D. Conn. 2010) (unpublished opinion), at *1). Because of frivolous filings, the United States Supreme Court has directed its Clerk to not accept any further petitions in noncriminal matters from Azubuko unless the docketing fee is paid and the petition is submitted in compliance with Court rules.

The nature of Azubuko's Objection signals to the court that Azubuko's pattern of frivolous filing is continuing. As Judge Noel recommends, this Court will not impose restrictions on Azubuko's filings at this time, but Azubuko is forewarned that if he files more frivolous lawsuits in this District, he may be added to the District's list of "restricted filers," and he may be prohibited from filing more pro se actions without pre-authorization from a judge.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that:

1. Plaintiff Chukwuma E. Azubuko's Objection [Docket No. 4] to Magistrate Judge Franklin L. Noel's February 10, 2014 Report and Recommendation [Docket No. 3] is **OVERRULED**;
2. The Report and Recommendation [Docket No. 3] is **ADOPTED**;
3. Plaintiff's Application to Proceed In Forma Pauperis [Docket No. 2] is **DENIED**; and,
4. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: February 27, 2014.